

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

JANE DOE, *S.C., an individual,*

Plaintiff,

v.

1:23-cv-00451-KG-JMR


THE SHERATON, LLC, STARWOOD
HOTELS & RESORTS WORLDWIDE,
INC., and LOUISIANA HOTEL
CORPORATION d.b.a SHERATON
ALBUQUERQUE UPTOWN,

Defendants.

ORDER QUASHING ORDER TO SHOW CAUSE

THIS MATTER is before the Court on its Order to Show Cause. Doc. 37. The Court ordered plaintiff to show cause for her apparent failure to prosecute defendant Louisiana Hotel Corporation. Plaintiff filed a timely response. Doc. 40. Therein, plaintiff explained that she had been in contact with defendant Louisiana Hotel Corporation's counsel and had granted them multiple extensions of time to file an answer. *Id.* The last extension expired October 9, 2023. *Id.* On the same day she filed her response, plaintiff filed a request for a Clerk's Entry of Default as to the Louisiana Hotel Corporation. Doc. 38. As plaintiff has taken steps to prosecute this defendant, the Court hereby QUASHES the Order to Show Cause (Doc. 37).

Notably, and for the parties' future consideration, a Court, not the parties, must grant an extension of the deadline to file answer a complaint. *See, e.g., Orange Theater Corp. v. Rayherstz Amusement Corp.*, 130 F.2d 185, 187 (3d Cir. 1942) (though "commendable as professional comity," extensions of pleading time need court approval); *Truth Seeker Co. v. Durning*, 148 F.2d 54, 55 n.1 (2d. Cir. 1945); *In re Sonoma V*, 703 F.2d 429, 431 (9th Cir. 1983); *see also* FED. R. CIV. P. 12(a) ("A defendant **must** serve an answer" within the prescribed time) (emphasis added).


JENNIFER M. ROZZONI
United States Magistrate Judge